

ORDINANCE NO. 5 - 2015

An Ordinance Amending Ordinance No. 03-2005 and Ordinance No. 11-2007

Larry Moss read in full the following:

WHEREAS, on or about March 7, 2005, the Clay County Council enacted Ordinance No. 03-2005 titled "An Ordinance Concerning Tax Abatement Procedures"; and

WHEREAS, said Ordinance establishes certain procedures to be followed and fees to be paid by those parties applying for tax abatement consideration in Clay County; and

WHEREAS, by Ordinance No. 11-2007, Ordinance No. 03-2005 was amended;

WHEREAS, the Clay County Council desires to amend and replace the existing language of Paragraph 1 of said Ordinance No. 11-2007.

BE IT, THEREFORE, ORDAINED, BY THE CLAY COUNTY COUNCIL:

1. Ordinance No. 11-2007 and Ordinance No. 03-2005 are hereby amended and revised by striking the existing language of Paragraph 5 of Ordinance No. 03-2005, as modified by Ordinance No. 11-2007, and substituting the following:

" 5. In consideration of providing the above-referenced services to those seeking an abatement, the Redevelopment Commission may charge an abatement application filing fee sufficient to defray its reasonable legal expenses and fees in retaining counsel to prepare the necessary documentation in consultation with the applicant."

2. All other existing language of Ordinance No. 03-2005 shall remain in full force and effect.

Passed this 2nd day of March, 2015.

CLAY COUNTY COUNCIL

Larry J Moss /s/
Larry J. Moss

Jacqueline Mitchell /s/
Jacqueline Mitchell

Toni Carter /s/
Toni Carter

Michael D McCullough /s/
Michael D. McCullough

Jason Britton /s/
Jason Britton

John Nicoson /s/
John Nicoson

Patricia Heffner /s/
Patricia Heffner

Attest:

Jennifer M Flater /s/
Jennifer M Flater, Clay County Auditor

Traci Orman presented Ordinance 5-2015 which removes the tax abatement set fee of \$2,250.00 and now allows a case by case fee to be determined.

Mike McCullough made a motion to suspend the rules and pass on first reading, seconded by Toni Carter. Motion carried 7 ayes.

Pat Heffner made a motion to accept Ordinance 5-2015 as presented, seconded by Mike McCullough. Motion carried 7 ayes.

ORDINANCE NUMBER 6-2015

**ORDINANCE ESTABLISHING A DEDICATED FUND FOR COMPLIANCE WITH
FINANCIAL ASSURANCE FOR UNDERGROUND STORAGE TANKS**

Larry Moss read in full the following:

WHEREAS, for compliance with Indiana Code Section 13-23-8, and the Indiana Administrative Code Sections 329 IAC 9-8-4, 329 IAC 9-8-11 and 329 IAC 9-8-17, and for compliance with the Indiana Department of Environmental Management, it is necessary to establish a dedicated fund for Excess Liability Trust Fund Through Local Government Mechanisms;

NOW, THEREFORE, be it ordained as follows:

- A. A dedicated fund/account for Compliance with Financial Assurance for Underground Storage Tanks is hereby established;
- B. Such fund/account shall not be commingled with other funds or otherwise be used in normal operations;
- C. Such fund/account is established to pay for taking corrective actions and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks owned by Clay County; and
- D. The sum of \$30,000.00 shall be held in such fund.

This Ordinance supersedes any prior Ordinance contrary hereto.

Approved by the County Council of Clay County, Indiana this 2nd day of March, 2015.

Larry J Moss /s/
Larry J. Moss, President

Toni Carter /s/
Toni Carter

Jackie Mitchell /s/
Jackie Mitchell

Michael D McCullough /s/
Michael D. McCullough

Jason Britton /s/
Jason Britton

Patricia Heffner /s/
Patricia Heffner

John Nicoson /s/
John Nicoson

ATTEST:

Jennifer M Flater /s/
Jennifer M. Flater
Auditor, Clay County, Indiana

Tony Fenwick discussed the underground fuel tanks at the Highway Garage and stated because the tanks are over 20 years old we cannot secure a bond. IDEM suggested we set up a new fund with a balance of \$30,000.00 to cover the deductible in the event we had a leak.

John Nicoson made a motion to suspend the rules and pass on first reading, seconded by Toni Carter. Motion carried 7 ayes.

Jackie Mitchell made a motion to accept Ordinance 6-2015 as presented, seconded by Toni Carter. Motion carried 7 ayes.

IN THE MATTER OF ADVISORY COUNCIL FOR EMA APPOINTMENT

Toni Carter nominated John Nicoson to be the Council representative.

Motion to appoint John Nicoson to the Advisory Council for EMA was made by Toni Carter and seconded by Jackie Mitchell. Motion carried 7 ayes.

IN THE MATTER OF ADJOURNMENT

There being no further business, John Nicoson made a motion to adjourn seconded by Mike McCullough. Motion carried 7 ayes.

Members of the Clay County Council

Attest:

Clay County Auditor